

REMARKS

Claims 17-22 are in the application. No claim is allowed.

This response addresses the points raised by the examiner in the Advisory Action. Claims 11, 13 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by Finkenaur et al. Claims 11-16 are cancelled to reduce the issues, but Applicant reserves the right to refile these claims. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being obvious over Dunstan in view of Brismar.

The examiner notes that Applicant has provided a showing of unexpected results of the composition. See the last sentence of the Advisory Action. Applicant can also show a further example of unexpected results. Referring to Table 3 on page 9 of the specification, it can be seen that the total bone thickness of the control samples (without the bFGF and without HA) is 0.28 mm. Using a dosage of 100 micrograms of bFGF, the mean bone thickness is 0.34 mm, an increase of .06 mm over the control. Using only 2% HA, without bFGF, the mean bone thickness is 0.33 mm, an increase of .05 mm over the control. Thus, the expected mean bone thickness using both 100 micrograms of bFGF and 2% of HA, would be 0.11 mm over the control, or 0.39 mm. However, in two sets of experiments using 100 micrograms of bFGF and 2% HA, the mean total bone thickness is 0.59 mm and 0.49 mm, which are greater than the expected additive affect of the bFGF alone, and the HA alone. Accordingly, this is a further showing of an unexpected result using the composition according to the present invention.

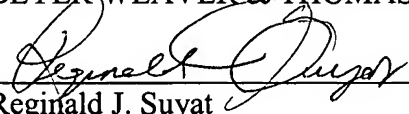
For the foregoing reasons, it is requested that the examiner reconsider the final rejection and withdraw it to pass this present application to issuance.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 663-1100.

Please apply any other charges or credits to deposit account number 50-388 (Order No. DEPYP003D1C1).

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Respectfully submitted,
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